

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CRIMINAL NO. 05-30042-MAP
	)	
	)	
RICARDO DIAZ,	)	
and	)	
CESAR CRUZ,	)	
Defendants.	)	

THE GOVERNMENT'S MOTION FOR AN ORDER OF EXCLUDABLE DELAY  
(Assented to)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves for an order of excludable delay under the Speedy Trial Act, 18 U.S.C. §3161(h), from January 18, 2006, 2005, through the pretrial conference date. Both Attorney Nagel and Attorney Franco request this Court to schedule the pretrial conference for a date that falls after March 1, 2006, due to their competing caseload obligations. The parties respectfully request the time from January 18, 2006 through the pretrial conference be excluded from the period within which the trial of this case must commence under the Speedy Trial Act in the interests of justice and for reasons of continuity of counsel. See 18 U.S.C. §3161(h)(8)(B)(iv).

It is in the best interests of the Defendant, the Government, and the public, to exclude the time from January 18, 2006 through the pretrial conference date from the period within which the trial of this case must commence under the Speedy Trial

Act.

Filed this 3<sup>rd</sup> day of February, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul Hart Smyth

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Paul Hart Smyth  
Assistant U.S. Attorney

/s/ Joseph Franco  
Attorney Joseph Franco  
Counsel for Cesar Cruz

/s/ Terry Nagel  
Attorney Terry Nagel  
Counsel for Ricardo Diaz